

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**NOT FOR PUBLICATION**

RUTH E. BUCK

**Plaintiff,**

**V.**

**THE CITY OF JERSEY CITY, et al.**

**Defendants.**

**Civil Action No: 12-1611**

## ORDER

**SALAS, DISTRICT JUDGE**

This action comes before the Court on the motion of Plaintiff Ruth E. Buck for default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2); and the Court, having considered Plaintiff's submissions, and it appearing that:

1. Plaintiff commenced this civil action on March 9, 2012. (*See* D.E. No. 1).
2. On August 14, 2012, Plaintiff filed a motion requesting that default judgment be entered against all defendants. (*See* D.E. No. 4).
3. Prior to filing the motion for default judgment, Plaintiff did not apply to the Court for an entry of default pursuant to Fed. R. Civ. P. 55(a). (*See Husain v. Casino Control Com’n*, 265 Fed. Appx 130, 133 (3d Cir. 2008) (finding that “entry of default by the Clerk under Federal Rule of Civil Procedure 55(a) constitutes a general prerequisite for a subsequent default judgment under Rule 55(b)”)(citations omitted)).

4. Therefore, the Court denies Plaintiff's motion for default judgment and directs Plaintiff to seek default against the Defendants within 30 days of the date of this order. Therefore, Plaintiff may refile the motion for default judgment.

Accordingly, IT IS on this 7<sup>th</sup> day of February, 2013, **ORDERED** that Plaintiff's motion is DENIED without prejudice.

s/Esther Salas  
**Esther Salas, U.S.D.J.**